

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

SARATOGA ADVANTAGE TRUST,
On Behalf of Itself
and All Others
Similarly Situated,

Plaintiff,

v.

Civil Action No. 2:08-0011

ICG, INC. a/k/a INTERNATIONAL
COAL GROUP, INC.,
WILBUR L. ROSS, JR.,
BENNETT K. HATFIELD,
WENDY L. TERAMOTO, and
WILLIAM D. CAMPBELL,

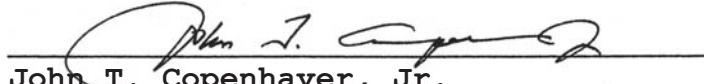
Defendants.

ORDER

Pending is the motion to dismiss of the defendants, filed on May 15, 2009. On July 6, 2009 plaintiff filed a first amended class action complaint, mooting the defendants' motion. It is accordingly ORDERED that the motion to dismiss of the defendants be, and it hereby is, denied without prejudice as moot.

The Clerk is directed to forward copies of this order to all counsel of record.

DATED: July 21, 2009


John T. Copenhaver, Jr.
United States District Judge